

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2242 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SOHANSINGH J BHATIA

Versus

COMMANDANT ARMY MEDICAL CORE

Appearance:

MRS SANGEETA N PAHWA for Petitioner

MR JD AJMERA for Respondent No.1,2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/10/97

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The petitioner filed this Special Civil Application and prayer has been made for direction to the respondents to grant him pension.

3. The claim of the petitioner for pension has not

been accepted on the ground that he is not eligible for the same as he had not to his credit the qualifying services. In pursuance of the order dated 3.4.96, the matter regarding grant of pension to the petitioner, and particularly for relaxation of the qualifying services, has been considered by respondents and a decision taken in this respect has been filed on record of this Special Civil Application. From the order of respondents dated 19th April 1996, it is clear that the qualifying services for pension is of 15 years as per para-132 of the Pension Regulations for the Army, 1961, Part-I. There is a provision for relaxation in the qualifying services for pension, but that relaxation is permissible only for six months and the deficit of the petitioner is more than six months. In view of this fact, I do not find any illegality in the action of the respondents to deny pension to the petitioner. No doubt it is a hard case, but if Rule 125 of the Pension Regulations for the Army, 1961, Part-I, does not permit for relaxation of deficit in qualifying services for pension, if it is more than six months, this Court cannot do anything than to raise its hands in helplessness. In the result, this Special Civil Application fails and the same is dismissed. Notice discharged.

.....

(sunil)